

Multi-Agency Federal MOU Work Group
Meeting Notes – February 10, 2004

Welcome and Introductions

Tom Weaver (USGS-MI) opened the meeting and welcomed the Work Group. Introductions were made. Pete Pouless, Bad River Tribal Council Member welcomed the Work Group and thanked everyone for coming to the Bad River Reservation and meeting with the staff.

Administrative Business and Follow-up from Last Meeting

- Status of the Draft “Reference Guide to Federal Water Protection Resources”

Jennifer Manville (USEPA Region 5) distributed a version of the Reference Guide dated January 2004. The version incorporated all Agency comments submitted prior to December 31, 2003. Copies were distributed to Tribal water resources staff that attended Clean Water Act training provided by U.S. EPA Region 5 in January 2004. BIA and FEMA have indicated that each agency has additional material to include in the Reference Guide. Larry Balber (Bad River Tribal Planner) requested that information on programs offered by the Army Corps of Engineers be included in the document. It was noted that ACOE had indicated they would include materials but that they had not yet been submitted to the Work Group. Barbara Brewster (USDA Rural Development) requested that the contact information for USDA Rural Development be revised to reflect that Angela Baughman has replaced Brian Deaner. In addition, Rural Development should be inserted in the USDA headings. Other revisions and updates should be forwarded to Manville in the next few weeks. The Work Group will plan to send the revised Reference Guide with February meeting minutes. Herb Nelson (BIA) noted that Don Hansen (USGS-MN) had not yet provided guidance materials on water system development and Jim Ruhl (BIA Hydrologist) will begin compiling information on this subject for inclusion in the Reference Guide.

- NEPA Updates: Status of any cooperative efforts completed, in progress or pending

Nelson explained that there have been discussions at a number of previous Work Group meetings concerning situations where Tribes need to prepare multiple NEPA documents for one project. Nelson again encouraged Tribes and federal agencies to pursue coordinated NEPA documents. Manville reported that Brian Gillen from the Department of Housing and Urban Development has provided a document that outlines how to prepare a “Onestop NEPA Environmental Assessment.” A copy of the document will be provided in the February meeting minutes. Work Group members are asked to review the document and be prepared to discuss at the next Work Group meeting.

- Community Planning: Status of efforts to enhance Tribal planning and establish a link to American Planning Association

Nelson indicated that information on the Indigenous Planning Network under the American Planning Association was distributed at the December Work Group meeting. Nelson has copies of the membership form and interested Tribes should contact him.

Nelson distributed a handout entitled “Proposal for Possible Inclusion in the FY 2006 Budget for BIA Midwest Region.” The proposal recommends providing funding to assist Tribes with establishing a planning capacity, and was developed for consideration during the March 2, 2004 BIA budget presentation for FY 2006. Nelson would like to see planning capacity established in all Region 5 Tribes over the next 10-15 years. Nelson would also like to know how much Tribal interest there is for making planning a BIA priority. Balber stated that support/matching grants from other federal agencies are needed. Manville indicated that the U.S. EPA General Assistance Program funds can be used for “planning” purposes and it might be possible to use some of a Tribe’s GAP allocation for a larger planning project. The Work Group is asked to review the BIA proposal and provide feedback to Nelson and will investigate if other federal agencies have planning monies available for Tribes.

- MOU Revision: Discussion of comments regarding MOU revisions. Develop recommendations for any revisions.

Weaver indicated that the current MOU was distributed with the December meeting notes. Paul Lahr (IHS-Bemidji) noted that Louis Erdrich had already reviewed the Region 8 MOU. Lahr also noted that the Region 8 MOU work group doesn’t include Tribal participation. Work Group members were requested to send comments on revisions to Louis Erdrich by February 27, 2004. Manville will send an e-mail to the Work Group list requesting input.

Tribal Open Forum

- Bad River Band of Chippewa Discussion Topics

Balber reported that the Bad River Band is using a planning approach that has staff look at the next 1,000 days and determine what they wish to accomplish. A number of Bad River Band administrative staff attended the meeting and provided brief updates on priority projects.

(1) Tribal Wind Energy Project – Bad River has submitted an application to BIA to use 638 funds to study the feasibility of wind power generation near the Reservation. The Band would like to assess the wind resource at five nearby sites. There could be potential for a wind power generation farm if there is a viable wind resource. Bad River is interested in looking into joint ventures with other Tribes. A handout entitled “Wind Turbine Project for the Bad River Tribal Community” was provided. The Work Group suggested that several agencies might be able to provide funding included DOE and EDA (Bill Garfield). Nelson noted that there is a workshop at Fond du Lac in April about energy resources. Nelson indicated he could provide some information about “wind

mapping” in Minnesota that could be beneficial to Tribes considering wind generation. Someone indicated that wind generation units currently could be paid off in as little as 7 years in the current energy climate.

(2) Emergency Response Plan – Bad River is attempting to coordinate a comprehensive response plan for the entire reservation. Currently, there are a number of small issue-specific plans that need to be coordinated. The Band is attempting to work with Ashland County. The target is to have a comprehensive response plan developed by November 2004. A mitigation plan is also under development. Resources are needed to fund a position that is responsible for coordinating the comprehensive plan. A handout entitled “Bad River Emergency Response Planning” was provided.

(3) Environmental Health Specialist – Bad River would like to fund a position that would work on indoor air quality issues, private drinking water wells, private wastewater treatment systems, lead/asbestos abatement, and other public health issues. The Band is attempting to identify funding sources for this position. A description of the duties required of the Environmental Health Specialist was provided in a handout.

(4) Bricks and Mortar Facilities – Tom Wojciechowski (Bad River Program Manager) noted there are a number of capital improvements that the Band has identified for the community, but funding sources for these projects has been difficult to locate. These projects include: a) “Essential Community Facilities” – Elder Center, 32-unit Elderly Apartment Complex, Early Childhood Education Center (project description handouts); b) transportation maintenance facility; c) replacement/upgrade fire halls; d) parks and recreation; e) health clinic expansion (project description handout); f) cultural museum; g) industrial park with green enterprises; h) administrative office space. The Tribe is planning to make these buildings “green” for energy savings and wants to make the Essential Community Facilities “intergenerational” as well. USDA indicated that \$200,000 had already been provided for architectural development and construction of the Elder center. The Tribe is also working on Water and Sewer development and creation of a Tribal sanitary district.

- Emerson Cory (Lac du Flambeau Planner) provided an update on projects that they are pursuing. The Band was unsuccessful in an application to the Department of Energy for a hydropower project. Lac du Flambeau would also like to complete a study of existing facilities to determine energy efficiency. In addition, a coordinated health clinic and wellness center is envisioned. The Band is looking for funds for a business incubator in the downtown area.
- Roman Ferdinand (Sokaogon Chippewa) asked a question regarding the purpose of the MOU Work Group. Is this supposed to be a forum where the agencies are at the table to discuss issues raised by Tribes? What is the response back to the Tribes on the issues that are raised at the meeting? Ferdinand was also interested in starting a Tribal Group in Wisconsin similar to Michigan MTEG and was provided with contact information.

There was some discussion on the expectations of the Work Group. It was agreed that the Work Group would prepare a response (agency roles, assistance, etc.) back to Bad River Tribe on the issues raised at today's meeting. In the future, when agendas are developed, some additional work may be needed up front to provide enough information to the agencies to allow them to prepare prior to the meetings.

It was also suggested that MOU Work Group meetings be coordinated with other Tribal meetings and be located on reservations. The Work Group noted that many meetings have recently been held at reservations in comparison to the past, when meetings tended to be primarily held in Chicago or the Twin Cities.

- It was agreed that the next meeting should be in Minnesota, and possibly hosted by a Minnesota Tribe. The tentative date for the next meeting is May 11, 2004. There was a suggestion by the U.S. EPA Solid Waste Program to hold an interagency partnership meeting on waste management in conjunction with the August MOU Work Group meeting. This relates to current efforts from U.S. EPA Headquarters to develop a Tribal solid waste strategy that would include (solid waste, hazardous waste, underground storage tanks, and brownfields).

Federal Roundtable

- USDA Rural Development – notifications for funding have been sent out, there is a water/wastewater set-aside for Tribes.
- BIA – Tribes interested in FY 2005 water projects should contact Jim Ruhl. Multi-Agency NEPA training will be held at the Mille Lacs Reservation on June 8-10, 2004.
- FEMA – risk management publications are available on the Department of Homeland Security website at <http://www.fema.gov/fima/rmsp.shtm>. There is a November 1, 2004 deadline for Tribal emergency mitigation plans, which will be required for future funding. FEMA can provide assistance in developing these plans. Tribal training will be provided at the Emergency Management Institute in August 2004. CERT team training will be held in Wisconsin in Spring 2004. Contact: Clara Gatewood-Brown for additional information.

U.S. EPA – recent grant notices include: (1) Tribal solid waste management (assist Tribes to achieve sound management of solid waste and promote compliance) due March 8, 2004; (2) Great Lakes Legacy Act (address contaminated sediment problems in Great Lakes areas of concern) due March 31, 2004; (3) Great Lakes National Program Office (protect and clean up Great Lakes ecosystem) due March 29, 2004. Annual General Assistance Program Conference is March 2-4, 2004 in Chicago and the quarterly meeting of the Region 5 Regional Tribal Operations Committee is March 3, 2004. U.S. EPA Headquarters has proposed its enforcement priorities for the next 3 years, including one Tribal specific priority related to drinking water and waste management. In March 2004, Region 5 will initiate its annual strategic planning process with the Tribes.

USGS-Water-Resources Division. Weaver provided brief descriptions of several water-resources studies being done in Wisconsin and Michigan. USGS-MI has recently assisted Keweenaw Bay Indian Community with the development of source water assessment and protection programs for the housing community east of Marquette and the Zeba Community near L'Anse. The Zeba water supply is the first surface water supply in Region 5 with an approved SWA&PP.

Emerson Cory invited everyone to the Native American Tourism of Wisconsin meeting to be held at Potawatomi Bingo-Casino in Milwaukee June 20-22, 2004 and gave the Work Group an informational packet.

Weaver adjourned the meeting. Suggestions for agenda topics should be forwarded to Louis Erdrich via fax (218) 444-0510 or email at louis.erdrich@mail.his.gov.